

MINUTES

UTAH PROFESSIONAL COUNSELORS HEARING AT 10:00 AM AND BOARD MEETING Room 451

**March 19, 2007
Board Meeting
Room 474
Heber M. Wells Building
160 E 300 S, Salt Lake City, UT 84111**

HEARING:

CONVENED: 10:00 A.M.

Judge Steve Eklund conducted the Hearing

ADJOURNED: 10:10 A.M.

For information regarding the Hearing, contact Judge Eklund's office.

BOARD MEETING:

CONVENED: 10:04 A.M.

ADJOURNED: 2:09 P.M.

Bureau Manager:

Board Secretary:

Noel Taxin

Karen McCall

Board Members Present:

Linda S. Protzman

Dean Workman, Chairperson

Russell C. Gaede, Psy.D.

Gloria Miley

Board Members Absent:

One Vacant Position

DOPL Staff Present:

F. David Stanley, Division Director

Sarah Hoffman, Licensing Specialist

TOPICS FOR DISCUSSION

**ADMINISTRATIVE BUSINESS:
MINUTES:**

DECISIONS AND RECOMMENDATIONS

The minutes from the January 16, 2007 meeting were read.

Dr. Gaede made a motion to approve the minutes

as read. Ms. Miley seconded the motion. The Board vote was unanimous.

TOPICS FOR DISCUSSION

APPOINTMENTS:

FYI

11:45 A.M.

Phoebe L. Murray, Review Education for Extern Licensing

DESCRIPTION/DISCUSSION/ACTIONS:

Dr. Gaede disclosed that he works for the same agency as Ms. Murray's husband but in a different location. He stated that Mr. Murray called and left a message on Dr. Gaede's voice mail identifying who he was, then stated that he wanted to put in a good word for his wife and explained that she has been practicing in another State in the past. Dr. Gaede stated that he listened to the voice message but did not call Mr. Murray back to discuss Ms. Murray's situation.

Ms. Murray met for the review of her education to determine if she meets the requirements for Certified Professional Counselor Intern (CPCI) Licensing or Professional Counselor Extern (PCE) Licensing.

Dr. Gaede and Ms. Protzman conducted the preliminary review.

Ms. Protzman noted that Ms. Murray's degree is not CACREP accredited or CHEA accredited and that Ms. Murray has a Master's in Arts with the major in Dance Movement Therapy.

Ms. Taxin explained that Ms. Murray's education is not a professional counselor degree. She stated that the Board will be reviewing each class and syllabus individually to determine which of the required courses Ms. Murray has met and where her education is deficient.

The Board read the Rules and noted that the Rules state: R156-60c-302a(4) - The following degrees do not prepare a person to competently engage in mental health therapy; Career Counseling, College Counseling, Community Counseling, Gerontological Counseling, School Counseling, Student Affairs, Rehabilitation Counseling, Music Therapy, Art Therapy, or Dance Therapy.

Applicants who have one of these degrees or comparable degrees and who subsequently return to college and complete the classes which have been included in the Marriage, Couple and Family Counseling/Therapy degree or the Mental Health Counseling degree and as outlined in Subsection (1) and (2), may request the Division and the Board to consider their education as equivalent to the requirements for licensure. Upon completion of this equivalent education requirement, the applicant may be granted a license as a certified professional counselor intern under Subsection 58-60-405(2) or a temporary professional counselor license under Section 58-60-117.

The Board then reviewed each required educational course and Ms. Murray's course descriptions to determine if Ms. Murray has met the education requirements for the CPCI license.

Upon completing the review, the Board determined Ms. Murray is deficient in the following areas:

- 1. Deficient 2 semester hours or 3 quarter hours in the area of Professional Roles and Functions, trends and history, professional preparation standards and credentialing.**
- 2. Deficient 2 semester hours or 3 quarter hours in the area of Group Therapy.**
- 3. Deficient 2 semester hours or 3 quarter hours in the area of Dysfunctional behavior, such as addictions, substance abuse, cognitive dysfunction, sexual dysfunction, abuse and violence.**
- 4. Deficient 2 semester hours or 3 quarter hours in the area of Foundation course in Test and Measurement.**
- 5. Deficient 2 semester hours or 3 quarter hours in the area of Advanced courses in Assessment of Mental Status.**

Ms. Murray asked if the Board had read her letter regarding her experience in Massachusetts and if the Board would consider her experience toward the deficient education and toward the required CPCI 4000 hours of supervised experience.

Dr. Gaede read the letter from Ms. Murray in which Ms. Murray acknowledges that she is deficient in the education requirements and asking for her experience to be considered in meeting the education deficiencies and part of the required 4000 hours of supervised experience while licensed as a CPCI.

The Board explained that experience will not count toward the education as the Law and Rule are specific in the education requirements. The Board also explained that the hours will not count toward the required 4000 hours of supervised experience as the education must be completed and the CPCI license issued for the hours to count.

Dr. Gaede stated the Board has reviewed Dance Therapy transcripts in the past and have consistently denied licensure based on the courses being in dance movement areas and not the mental health therapy areas.

Ms. Murray stated that Massachusetts created a dual degree to meet their standards and her education did meet their standards. She stated that she was not licensed in Massachusetts as there is no licensing while obtaining the required training hours. Ms. Murray explained that she has accumulated far more hours than Massachusetts requires but was working so many hours a week that she did not take exams for licensure and then she and her husband moved to Utah. She stated that, in her opinion, her experience should count for something as she has conducted individual therapy for the last 4 years. She stated that her experience should be considered for meeting some of the education requirements.

Ms. Taxin voiced understanding of Ms. Murray's request for her experience to count and also stated that the Division needs to uphold the requirements in the Laws and Rules. Ms. Taxin stated that she and the Board are trying to work with Ms. Murray by reviewing each course and syllabus to be sure they are giving as much credit for courses as possible. Ms. Taxin stated that Ms. Murray will

have to take additional courses as her education does not meet the requirements as outlined. She stated that Ms. Murray's education will not meet the requirements for the CPC Intern license and the Board would have to review the deficiencies and determine if Ms. Murray has the courses and knowledge to practice safely in Utah with a PC Extern license.

Ms. Taxin asked if Ms. Murray's experience was in the dance therapy realm or if she has used different types of therapy.

Ms. Murray responded that she has used different types of therapy.

Mr. Workman asked if Ms. Murray wrote diagnoses in her employment setting in Massachusetts.

Ms. Murray responded that she did not. She explained that the clients who came to her agency already had a diagnosis. She stated that the diagnosis was used for the individual treatment plan.

Ms. Murray commented that the Board and Division are keeping qualified therapists out of the field by making them go back to school for additional education. She stated that she is not interested in taking more classes as she already has her Master's degree. She stated that there should be some exceptions made and the process should be more personal.

Ms. Taxin again explained that the Law identifies that she is deficient in her education and experience to meet Utah's licensing requirements. Ms. Taxin stated that she is not questioning Ms. Murray's abilities but when regulation is required to protect the public, the Board and Division are bound to make sure requirements are met which is for the best interest of the public.

Ms. Taxin stated that Ms. Murray could work as a dance movement therapist as there is no license required for that type of therapy.

Ms. Murray responded that dance movement therapy is not the type of therapy practice she wants for her career. She stated that she has worked without a license doing drama and dance. She stated that she is interested in pursuing mental health therapy practice. She stated that she has looked into applying for positions at Rise and Center for Change. She stated that she is most interested in the Rise agency.

Dr. Gaede stated that the 2 seminars Ms. Murray attended do not appear to meet the requirement of Professional Roles and Standards.

Ms. Taxin gave examples of the types of classes the Division and Board usually see on the transcripts and accept. She stated that if the class syllabus mentions exploring the professional counselor role the class is usually accepted but Ms. Murray's syllabus mentions the class is more about dance movement and that is not acceptable.

Ms. Murray argued that her degree is in dance movement therapy but she has also taken courses in counseling psychology for her dual degree.

Ms. Protzman responded that the degree is in dance movement therapy and the Board has reviewed individual courses and syllabi.

Ms. Taxin responded that counseling psychology degrees do not always have the clinical courses to meet the education requirements.

Ms. Taxin asked the Board if the deficiencies are such that they would recommend issuing the PC Extern license or which courses would she need to complete for the Board to be comfortable that she would be a safe practitioner with the Extern license.

Following discussion regarding the 5 courses Ms. Murray is deficient the Board determined Ms. Murray could apply for the PC Extern license after completing the Group Therapy and Advanced courses in Assessment of Mental Health.

Ms. Taxin explained that the other 3 courses could be taken while Ms. Murray is working with the Extern license.

Ms. Taxin explained that Ms. Murray's application will have to be denied. She stated that when the 2 courses are completed Ms. Murray will need to submit a new application for PC Extern, the application fee and transcripts documenting completing the 2 courses. Ms. Taxin stated that, if Ms. Murray will enroll right away in the 2 courses and complete them within 6 months, she will waive the application fee for the Extern license. She stated that if the classes are not completed and an application submitted within 6 months then she would not waive the application fee.

Ms. Murray asked if she would need to meet again with the Board.

Ms. Taxin responded that she would not need to meet again with the Board as the Board has reviewed and determined the deficiencies.

Ms. Taxin explained that a letter outlining the denial and the deficiencies will be sent to Ms. Murray. She stated that if Ms. Murray decides to complete the education at the University of Phoenix she should contact Don Beck for assistance. She stated that Christina Rodriguez would be the contact person at the University of Utah. Ms. Taxin stated that if Ms. Murray locates courses through an internet program that is CACREP the courses would be accepted. Ms. Taxin stated that if Ms. Murray locates internet programs that are not CACREP accredited she would recommend Ms. Murray submit the syllabi for Ms. Taxin to review to be sure she will be taking accepted courses.

Ms. Murray concluded that she did not agree with the Board but thanked them for their time.

12:15 P.M.

Lorilyn Bagley, Review Education for Extern Licensing

Ms. Bagley met with the Board for the review of the education for the Professional Counselor Extern

license.

Dr. Gaede and Ms. Protzman conducted the preliminary review.

Ms. Taxin informed the Board that Ms. Bagley's degree is a Master of Science with a major in Counseling Psychology, concentration in Marriage and Family Counseling. Ms. Taxin explained that Ms. Bagley's internship was in Marriage and Family Counseling.

Ms. Hoffman stated that she called Ms. Bagley, who explained that her major is Counseling Psychology and the internship and practicums were in Marriage and Family Therapy as MFT was her emphasis. Ms. Hoffman stated that Don Beck, from the University of Phoenix, called Ms. Hoffman to let her know that he helped Ms. Bagley fill out her application. She stated that, based on the information Dr. Beck had available to him, he was of the opinion that Ms. Bagley's courses fit in the categories where they were listed in the Laws and Rules. Ms. Hoffman stated that she requested Ms. Bagley to submit syllabi for her classes.

Ms. Protzman stated that Ms. Bagley's transcripts document completion of great courses, however, she is deficient in some areas required by Utah. Ms. Protzman explained that the Board moved some courses into different categories based on review of the Syllabi.

Ms. Bagley explained that she did several different types of therapy at the substance abuse facility where she worked. She stated that she talked with families about family issues, did individual and group therapy and conducted groups for cognitive behavior change.

Dr. Gaede asked if Ms. Bagley had any individual therapeutic intervention courses.

Ms. Bagley responded that most of her courses were MFT theory and most of her work was with individuals. She stated that she worked with sexually abused women to help them work through their issues.

Ms. Bagley stated that she also had a portfolio class in which she did case evaluations, case assessments and role playing class to demonstrate competency for an internship. She stated that other classes had pieces on therapeutic intervention.

Ms. Taxin reminded Ms. Bagley that she must use one class for one category and cannot count one class for several categories.

Ms. Bagley responded that she and Dr. Beck filled out the application and put the classes where they thought they would probably work. She stated that she is currently enrolled in an intern class at Western Academy and has already completed another class. She reminded the Board that she is applying for a Certified Professional Counselor Extern license as she is aware that her education is deficient in some areas.

Ms. Taxin stated that the Board has identified that Ms. Bagley is deficient in the following areas:

- 1. Deficient 2 semester hours or 3 quarter hours in the area of Professional Roles and Functions, trends and history, professional preparation standards and credentialing.**
- 2. Deficient 2 semester hours or 3 quarter hours in the area of Advanced courses in Assessment of Mental Status.**
- 3. Deficient 6 semester hours or 9 quarter hours in the area of the Internship. Ms. Bagley has 651 hours and is required 900 clock hours for Utah licensing.**

Ms. Taxin stated that when Ms. Bagley completes the internship course she is currently taking she would have the internship requirement completed.

Ms. Bagley responded that she completed an assessment course using the DSM IV. She asked if that would be accepted for the Advanced courses in Assessment of Mental Status.

Ms. Protzman responded that the requirement is for coursework to be in advanced assessments and the DSM IV course meets the requirement of Psychopathology and DSM classification.

Ms. Taxin stated that she and the Board understand Ms. Bagley's frustration at having to take additional courses as she has already completed an education program and graduated. Ms. Taxin stated that the courses are required and completing the requirements will allow Ms. Bagley to offer her clients the best service. Ms. Taxin requested Ms. Protzman to summarize the deficiencies for Ms. Bagley.

Dr. Gaede responded that Ms. Bagley is deficient in the following areas:

- 1. Deficient 2 semester hours or 3 quarter hours in the area of Professional Roles and Functions, trends and history, professional preparation standards and credentialing.**
- 2. Deficient 2 semester hours or 3 quarter hours in the area of Advanced courses in Assessment of Mental Status.**
- 3. Deficient 6 semester hours or 9 quarter hours in the area of the Internship. Ms. Bagley has 651 hours and is required 900 clock hours for Utah licensing.**

Dr. Gaede stated that Ms. Bagley is only deficient 259 hours in the area of the Internship.

Dr. Gaede made a motion to issue the Certified Professional Counselor Extern license to Ms. Bagley. Ms. Protzman seconded the motion. The Board vote was unanimous.

Ms. Taxin explained the licensing process for Ms. Bagley.

Ms. Protzman explained the Extern license requirements that Ms. Bagley must work under supervision of a licensed mental health therapist.

Mr. Workman reminded Ms. Bagley that none of her hours as an Extern will count toward the required 4000 hours of supervised experience for the Professional Counselor license. He stated that Ms. Bagley must have the Intern license before any

hours will count.

Ms. Taxin stated that after the deficiencies have been completed Ms. Bagley may apply for the Intern license by submitting an application, transcripts for the deficient courses and the application fee. Ms. Taxin stated that Ms. Bagley should sign all her documentation with her name and CPCE and should make sure the supervisor understands that she is short classes to be licensed as a CPC Intern.

Ms. Bagley thanked the Board for the review and clarification.

APPLICATION REVIEW:

Kelly Jo Miller, Review Education for Extern Licensing

The Board reviewed Ms. Miller's education for Certified Professional Counselor Extern licensing.

The Board determined Ms. Miller's education is deficient in over half of the education requirements. The Board recommended Ms. Miller take her transcripts to an accredited education program for review to determine specific deficiencies.

The Board recommended the application for Extern be denied based on Ms. Miller's education being deficient in too many of the core areas to be a safe practitioner.

Donna Jean Salmen, Review Education for Extern or Intern Licensing

The Board reviewed Ms. Salmen's education for Certified Professional Counselor Extern licensing.

The Board determined Ms. Salmen's education is deficient in over half of the education requirements. The Board recommended Ms. Salmen take her transcripts to an accredited education program for review to determine specific deficiencies.

The Board recommended the application for Extern be denied based on Ms. Salmen's education being deficient in too many of the core areas to be a safe practitioner.

DISCUSSION ITEMS:

Barbara Ogden Probation Agreement and Update

Ms. Taxin notified the Board that Barbara Ogden is licensed as a Professional Counselor and a Psychology Resident. She explained that she would like the Psychology Board to monitor Dr. Ogden's probation. Ms. Taxin stated that Dr. Ogden will be meeting with the Psychology Board in April and if they recommend she be monitored by both Boards then Dr. Ogden will meet with the Professional Counselors in May.

Ms. Taxin read the Findings of Fact to the Board. She stated that she met with Dr. Ogden and explained the requirements of the Stipulation and Order. She stated that she believes Dr. Ogden understands the requirements of her probation. Ms. Taxin stated that Dr. Ogden is currently working in a mental health therapy agency and has an approved supervisor.

Extern Licenses and the Number of Courses Required to be Licensed as an Extern

This item was discussed during the concerns regarding Extern licensing discussion.

Concerns Regarding Extern Licensing

Ms. Taxin stated that the purpose of the CPC Extern license is for the individual who is deficient courses to meet Utah's education requirements to be licensed and able to work under supervision while completing the deficiencies. Ms. Taxin stated that the Division issued a CPC Extern license to an individual who went out and opened a private practice and has been working without supervision. She stated that when the issue came to the attention of the Division, the licensee stated that they did not know they could not work in private practice without supervision.

Ms. Taxin asked the Board if they really want to continue with the Extern option in the Law or if they would like to adjust it to require the applicant to be deficient 1 or no more than 2 courses in specific areas to be licensed as an Extern versus the current requirement of "has one or more deficiencies in course work, experience, or training;...".

Ms. Taxin stated that she is of the opinion that the public is not being protected when we issue the Extern license to people who are deficient several courses that

prepare them to practice mental health therapy safely.

Ms. Protzman asked if the Legislature would have to make the change.

Ms. Taxin responded that it would have to be changed in a Legislative session as they change the Law and the Division and Board write the Rules.

Mr. Workman commented that the Board should define what courses they must have to be licensed as a CPC Extern.

Ms. Taxin asked if the Board would want to recommend the education programs must be CACREP or CHEA accredited only or do they want to continue leaving it open to any Master's degree program.

Mr. Workman stated that CACREP will soon have the requirement that all CACREP accredited programs must be taught by Ph.D. educators. He stated that this requirement will limit the CACREP accredited programs.

Ms. Taxin stated that she and the Board have tried to be consistent during this last year and if the education is deficient in the Psychopathology and Advanced courses in Assessment of Mental Status, Extern licenses have not been issued until those courses are completed.

Ms. Protzman asked if it is the responsibility of the Division to explain the scope of practice to those who are issued an Extern license or if it is the responsibility of the Extern to read and understand the Laws and Rules for themselves.

Ms. Taxin responded that it is the responsibility of the Extern to read and understand the Laws and Rules or call and ask questions of the staff. She stated that licensees are not reading or calling for clarification.

Ms. Taxin explained that the Social Work profession has an Intern license that is issued for a 6 month period for individuals to take and pass the required examination and it cannot be renewed or extended.

She stated that employers are calling and explaining that X has a full case load of clients and has an Intern license that is expiring. She stated that they are asking what they should do regarding the clients and having the Intern work beyond the expiration date. Ms. Taxin stated that she then has to explain the purpose of the Intern license and that it is only for a 6 month period for the Intern to take and pass the required exam. She stated that she also has to explain that it is unlawful for the Intern to continue working past the expiration date.

Ms. Taxin stated that the CPC Extern license is a 3 year license and maybe each applicant should meet with the Board for discussion and an explanation of the scope of practice and expectations of completing the education as soon as possible prior to being issued the license. She stated that there are some people who are taking advantage of being licensed as an Extern.

Ms. Taxin stated that Paul Nelson is an example. She stated that he applied for and was granted CPC Extern licensure after he had already practice a year without a license. Ms. Taxin explained that Mr. Nelson had talked with her saying that he did not want to take any classes right now and since he had 3 years to get the courses completed, he would be taking the courses later.

Dr. Gaede recommended the time be changed from 3 years to 2 years if the Law is opened up.

Ms. Protzman asked if Ms. Taxin could meet with Mr. Workman for discussion and recommendations for him to present to the Association.

Ms. Taxin responded that she would set up an appointment with Mr. Workman. She asked the Board to review the Laws and Rules and submit any additional information to her within 2 weeks regarding clarification of any areas.

Ms. Taxin stated that the courses outlined are specific and necessary but without a professional mental health counselor degree it appears that the profession is a catch all when people don't qualify for a license in

their own area of courses and expertise.

Board members agreed to review the Laws and Rules send information to Ms. Taxin within the next 2 weeks.

Concerns Regarding Scope of Practice for Externs

This item was discussed during the concerns regarding Extern licensing discussion

FYI

Ms. Taxin notified the Board of Craig Jackson's retirement as Division Director and the appointment of F. David Stanley as Division Director.

Board members noted the information and welcomed Mr. Stanley.

BUSINESS FROM PREVIOUS MEETING:

Review Correction of July 19, 2006 Minutes regarding Daniel Johnston Appointment

Ms. Taxin read Mr. Johnston's letter requesting a correction to the July 19, 2006 minutes that refers to Don Beck as his supervisor.

The Board noted that there are 2 references with Don Beck as follows:

Ms. Taxin responded that the Division could not back date licenses as they are dated the date of being issued. Ms. Taxin stated that Mr. Johnston could submit a letter of explanation of his request with supporting documentation from **Don Beck**, a copy of his supervision hours and a request for her to review, but there were no promises.

The second reference reads:

Ms. Taxin stated that when Mr. Johnston submits his application he should submit a letter from **Don Beck** regarding the supervision hours and the LCSW should fill out the form. She recommended Mr. Johnston be sure the LCSW is approved to supervise.

Ms. Taxin stated that the minutes should read as follows:

Ms. Taxin again stated that, when Mr. Johnston submits his application, he should submit a letter from Don Beck regarding the confusion on the original transcripts with the Therapeutic Methods and Interventions course not being listed when Mr.

Johnston met with the Board on February 12, 2003 and submit the supervision form completed by the LCSW supervisor. She also requested Mr. Johnston to submit a letter to her to review the Don Beck letter and supervision form. Ms. Taxin recommended Mr. Johnston be sure the LCSW is approved to supervise.

Board members concurred with the correction of the July 19, 2009 minutes. The Board secretary was requested to include the correction in the July 19, 2006 minutes.

Ms. Taxin then read a note from Mr. Johnston requesting an extension of his CPCI license in order to complete the required 4000 hours of supervised experience. She explained that Mr. Johnston was issued the CPCI license April 10, 2003 and it was extended April 10, 2006 to April 10, 2007. Ms. Taxin stated that the Law states that a CPCI is limited to the period of time necessary to complete clinical training and extends not more than one year beyond the date the minimum hours are completed and may not exceed two years past the date the minimum supervised clinical training requirement has been completed. Ms. Taxin stated that his license was extended to the 2007 date based on his being on probation. She asked the Board if they would recommend another extension based on Mr. Johnston not having completed his hours.

The Board recommended Mr. Johnston's CPCI license be extended for two years to April 10, 2009.

NEXT MEETING SCHEDULED FOR:

May 22, 2007

ADJOURN:

2:09 P.M.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

May 23, 2007
Date Approved

(ss) Dean Workman
Chairperson, Utah Professional Counselors Licensing
Board

April 17, 2007
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing